

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARCUS R. ELLINGTON,

Plaintiff,

No. CIV S-04-0666 DFL KJM P

vs.

E.S. ALAMEIDA, et al.,

Defendants.

ORDER

Plaintiff is a prisoner proceeding pro se with a civil rights action under 42 U.S.C. § 1983. On October 28, 2005, plaintiff filed a “Declaration of Plaintiff in Support of Motions and Amended Complaint.” To the extent plaintiff is attempting to bolster the showing in support of his June 27, 2005 motion for injunctive relief, the matter is moot, for the court issued an order addressing this motion on October 24, 2005.

In its order of November 19, 2004, the court informed plaintiff that his amended complaint must be complete within itself. See Local Rule 15-220. To the extent that plaintiff is attempting to amend his first amended complaint, his attempt is inconsistent with the local rule. Accordingly, the court will take no action on plaintiff’s October 28, 2005 declaration.

On November 7, 2005, plaintiff filed a motion for the entry of default for defendants’ failure to respond to the court’s order of August 15, 2005, which gave defendants

1 Runnels and Rohlfing the opportunity to respond to plaintiff's request for injunctive relief.
2 Because the court did not order Runnels and Rohlfing to respond, their failure to do so is not a
3 basis for any type of sanction.

4 Accordingly, IT IS ORDERED:

- 5 1. Plaintiff's October 28, 2005 declaration is disregarded; and
- 6 2. Plaintiff's November 7, 2005 motion for the entry of default is denied.

7 DATED: December 23, 2005.

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10 UNITED STATES MAGISTRATE JUDGE
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